

REMARKS

This paper is filed in response to the Office Action dated October 24, 2002. Claims 1-27 are pending. In the Office Action of October 28, 2002, the Examiner rejected claims 1-2 under 35 U.S.C. § 102(e) as being unpatentable over Miracky et al., U.S. Patent Application Publication No. US 2002/0105699 A1 ("Miracky"); rejected claims 3-12 and 14-27 under 35 U.S.C. § 103(a) as being unpatentable over Miracky in view of Jewell et al., U.S. Patent 6,421,474 ("Jewell"); and rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Miracky and Jewell in view of Husain et al., U.S. Patent No. 6,453,083 ("Husain").

Submitted simultaneously herewith is a Declaration of Prior Invention in the United States to Overcome Cited Patent or Publication (37 C.F.R. 1.131) ("Declaration"). The Declaration, which is signed by all the inventors of the present application, establishes that prior to the filing date of Miracky, February 2, 2001, the inventors had conceived of the subject matter presently claimed in the present invention. The Declaration further establishes diligence was exercised prior to the filing date of Miracky until the filing of the present application on April 17, 2001. Accordingly, Miracky is not a proper prior art reference against the present application.

All the pending rejections rely upon Miracky as the primary reference. In light of the Declaration, Miracky must be removed as a reference, and without more, the claims as presently stand are allowable over the prior art. It does not appear that Miracky is claiming the same invention as the present application.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,



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